

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>BETTY A. JACKSON,</b>	:	<b>Case No: 5:17-cv-636</b>
	:	
<b>Plaintiff</b>	:	<b>JUDGE:</b>
	:	
<b>v.</b>	:	
	:	
<b>WAYSIDE FARM, INC.,</b>	:	
	:	
<b>Defendant</b>	:	

**NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that Defendant Wayside Farm, Inc. ("Defendant") hereby removes this action to the United States District Court for the Northern District of Ohio, Eastern Division, from the Summit County, Ohio Court of Common Pleas. In support of this Notice and pursuant to 28 U.S.C. § 1446, Defendants state the following:

1. On or about February 16, 2017, an action was commenced in the Summit County Court of Common Pleas, titled Betty A. Jackson v. Wayside Farm, Inc., and assigned Case No. CV-2017-02-0685. Defendant Wayside Farm, Inc. was served with a copy of the Complaint on or about March 1, 2017. These were the first copies of the Complaint that Defendant received.

2. Defendant is filing herewith a full copy of the Court file, which includes the Complaint, attached hereto as **Exhibit A**.

3. Defendant has not been served with any other papers, pleadings, or orders in this matter.

4. Defendant has not filed an answer or otherwise responded to the Complaint. This Notice of Removal is filed within thirty (30) days of Defendant's receipt of the Complaint setting forth the claims for relief, and is timely filed under 28 U.S.C. § 1446(b).

5. Plaintiff brought federal law claims for the failure to pay minimum wage and failure to pay overtime compensation pursuant to 29 U.S.C. § 206 and § 207, and retaliatory discrimination for purportedly raising complaints that she would not work off-the-clock. (Complaint at ¶¶ 25-29, 35-50.) Plaintiff also brought state law claims for disability discrimination, the intentional infliction of emotional distress, and for violation of R.C. § 4111.14(G). (*See generally* Complaint.) Plaintiff requests that she be awarded an amount in excess of \$25,000.00, plus prejudgment interest, reasonable attorneys' fees, and costs, and punitive damages.

6. This Court has original subject-matter jurisdiction over this action pursuant to 28 U.S.C. § 1331, the federal-question statute, because Plaintiff seeks monetary recovery for violations of the Fair Labor Standards Act, 29 U.S.C. § 206 and § 207. (Complaint at ¶¶ 25-29, 35-50.)

7. In the Complaint, Plaintiff alleges various state law claims that this Court can and should exercise supplemental jurisdiction over pursuant to 28 U.S.C. §§ 1367 and/or 1441.

8. Venue of this removal action is proper under 28 U.S.C. § 1441(a) because this Court is the United States District Court for the district and division corresponding to the place where the state court action was pending.

9. This action is not an action described in 28 U.S.C. § 1445.

10. Written notice of the filing of this Notice of Removal has been served upon Plaintiff.

11. A true and accurate copy of this Notice of Removal has been filed with the Clerk of the Summit County Court of Common Pleas.

WHEREFORE, Defendant hereby gives notice that the above action initiated in the Summit County Court of Common Pleas is hereby removed to the United States District Court for the Northern District of Ohio, Eastern Division for the reasons set forth above.

Respectfully submitted,

/s/ Janay M. Stevens

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*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on March 27, 2017, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, a copy of which will be sent via electronic mail upon counsel for the following parties:

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*Attorney for Plaintiff*

/s/ Janay M. Stevens

Janay M. Stevens (0090515)